

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALIMAH RIDGELL,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

Case No. 15-cv-14242

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
R. STEVEN WHALEN

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT’S MOTION FOR
ORDER TO SHOW CAUSE [3]**

Plaintiff filed this action on October 19, 2015 (Summons and Complaint). On December 4, 2015, the action was removed to federal court. Dkt. No. 1. Before the Court is Defendant’s Motion for Order to Show Cause Why Plaintiff’s Providers Should Not be Found in Contempt of Court for Failure to Comply with Subpoena [3].

The underlying action arises from an alleged September 23, 2014 motor vehicle accident. Plaintiff is seeking payment of medical expenses, replacement services, and attendant care benefits. On December 14, 2015, Defendant subpoenaed Plaintiff’s medical records from Children’s Hospital, Infinity Wellness, Be Well of Birmingham, and Pure Open MRI (collectively, “Providers”) in order to evaluate Plaintiff’s claim for medical expenses. The subpoena required

the Providers to produce documents by February 5, 2016. As of February 29, 2016, none of the providers had produced any records.

Defendant argues that the Providers should be required to show cause for why they shouldn't be held in civil contempt of Court for disregarding a Court issued subpoena to produce documents. Dkt. No. 3 at 3 (Pg. ID No. 43). In response, Plaintiff has produced evidence that Infinity Wellness, Be Well of Birmingham, and Pure Open MRI each sent the requested records on March 1, 2016. Dkt. No. 6 (Exhibit 1 & 2). Those documents were received by Defendant. Dkt. No. 6 (Exhibit 3). Therefore, there is no need to issue a show cause order with regards to these specific providers.

However, Plaintiff "takes no position as to Children's Hospital's compliance." *Id.* at 1 (Pg. ID No. 72). Children's Hospital has yet to update Plaintiff's counsel on the status of their document production. *Id.*

Accordingly, Defendant's Motion [3] is **GRANTED IN PART**.

IT IS HEREBY ORDERED that Plaintiff's provider, Children's Hospital, shall appear in Court on **May 11, 2016 at 10:00 a.m.**, and show cause why records have not been produced pursuant to the subpoena.

Dated: April 18, 2016
Detroit, MI

/s/Gershwin A Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge